

**Testimony of Sean K. McElligott Before the Connecticut
Executive and Legislative Nominations Committee
Hearing Date: March 1, 2016**

Good Morning Senator Duff, Representative Janowski, Senator Kane, Representative Buck-Taylor and members of the Executive and Legislative Nominations Committee. My name is Sean McElligott and it is an honor and privilege to have been appointed as a Commissioner of the Freedom of Information Commission (FOIC) by Governor Dannel P. Malloy and to be considered by this Committee today.

I am very grateful for the opportunity to share a little bit of my personal background and explain why I am interested in serving on the FOIC.

I live in Milford, Connecticut with my three children and my wife, Sarah Russell. For the past 10 years, I have been working as a trial lawyer at Koskoff, Koskoff & Bieder in Bridgeport, CT primarily handling medical malpractice cases. I also maintain an extensive pro bono practice including my work with the Connecticut Child Justice Foundation, which is an organization that provides free representation to children in DCF custody. My wife is a law professor at Quinnipiac University and she works with students in the Civil Justice Clinic to represent indigent clients who would not otherwise have counsel. I graduated from Yale Law School and from Trinity College, where I majored in philosophy.

I had the privilege of serving previously as a commissioner on the FOIC as a two year legislative appointee starting in 2012. I very much enjoyed the work of the Commission. The FOIC serves a vital purpose in ensuring that people in Connecticut have access to important public information. Equally important, in my view, is that the individuals who appear before the Commission in public hearings are treated with courtesy and respect. Outside of formal hearings, everyone who works at the Commission takes pride in being accessible and helpful to citizens and municipalities alike.

For me personally, the Commission is an opportunity to serve the state in a public capacity that is different from my day job as a trial lawyer. I enjoy the deliberations that occur between the Commissioners considering a case. Interestingly, and appropriately given the mandate of the Commission, these deliberations occur publicly and are sometimes televised. There are also situations where Commissioners might disagree which each other as to the appropriate outcome, I enjoy the discussion of the competing legal principles.

As this Committee is aware, the FOIC is tasked with interpreting the Connecticut Freedom of Information Act in the context of appeals from the decisions of municipalities and state agencies that come before the Commission. The Connecticut FOI Act itself is an interesting statute in that it begins by creating broad access to all records maintained by any public agency, but the Act then enumerates different exceptions where the requested information is not subject to disclosure. The amount of information that may be obtained by a citizen is governed largely by the Commission's interpretation of the proper scope of the exceptions. Each exception is animated by its own set of policy considerations, some of which have been explored extensively by our state courts. Accordingly, the work of the Commission is dynamic and I look forward to continuing to work with my fellow Commissioners to properly interpret and apply the Act.

I hope that this Committee finds me to be an acceptable candidate to serve as one of Governor Malloy's appointees on the FOIC. Thank you for the opportunity to address you all in support of my application. I would be happy to answer any questions that you may have.